

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Rachel L. Agosto	<u>Debtor(s)</u>	CHAPTER 13
PENNSYLVANIA HOUSING FINANCE AGENCY	<u>Moving Party</u>	NO. 24-10643 AMC
vs.		11 U.S.C. Section 362
Rachel L. Agosto	<u>Debtor(s)</u>	
Kenneth E. West, Esquire	<u>Trustee</u>	

STIPULATION

AND NOW, it is hereby stipulated and agreed by and between the undersigned as follows:

1. As of August 12, 2024, the post-petition arrearage on the mortgage held by Movant on Debtor's residence is **\$6,257.64**. Post-petition funds received after August 15, 2024, will be applied per the terms of this Stipulation as outlined herein. The arrearage is itemized as follows:

Post-Petition Payments:	April 2024 through August 2024 at \$1,254.10 each
Suspense Balance:	(\$12.86)
Total Post-Petition Arrears:	\$6,257.64

2. The Debtor shall cure said arrearages in the following manner:

a). Within seven (7) days of the filing of this Stipulation, Debtor shall file an Amended Chapter 13 Plan to include the post-petition arrears of **\$6,257.64**.

b). Movant shall file an Amended or Supplemental Proof of Claim to include the post-petition arrears of **\$6,257.64** along with the pre-petition arrears.

c). The new 410A form for a Proof of Claim shall not be required for this Amended or Supplemental Proof of Claim.

3. Beginning with the payment due September 2024 and continuing thereafter, Debtor shall pay to Movant the present regular monthly mortgage payment of **\$1,254.10** (or as adjusted pursuant to the terms of the mortgage) on or before the first (1st) day of each month (with late charges being assessed after the 15th of the month).

4. Should Debtor provide sufficient proof of payments made, but not credited (front & back copies of cancelled checks and/or money orders), Movant shall adjust the account accordingly.

5. In the event the payments under Section 3 above are not tendered pursuant to the terms of this Stipulation, Movant shall notify Debtor and Debtor's attorney of the default in writing and the Debtors may cure said default within FIFTEEN (15) days of the date of said notice. If Debtor should fail to cure the default within fifteen (15) days, Movant may file a Certification of Default with the Court and the Court shall enter an Order granting Movant relief from the automatic stay and waiving the stay provided by Bankruptcy Rule 4001(a)(3).

6. If the case is converted to Chapter 7, Movant shall file a Certification of Default with the Court and the Court shall enter an order granting Movant relief from the automatic stay.

7. If the instant bankruptcy is terminated by either dismissal or discharge, this agreement shall be null and void, and is not binding upon the parties.

8. The provisions of this Stipulation do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this Stipulation, including fees and costs, due under the terms of the mortgage and applicable law.

9. The parties agree that a facsimile signature shall be considered an original signature.

Date: August 28, 2024 /s/ Denise Carlon
Denise Carlon, Esq.
Attorney for Movant

Date: September 15, 2024 /s/ David M. Offen
David M. Offen, Esq.
Attorney for Debtor

Date: September 19, 2024 /s/ Jack Miller, Esquire
Kenneth E West, Esq.
Chapter 13 Trustee

Approved by the Court this 23rd day of Sept., 2024. However, the Court retains discretion regarding entry of any further order.



Bankruptcy Judge
Ashely M. Chan

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Rachel L. Agosto
Debtor(s)
**PENNSYLVANIA HOUSING FINANCE
AGENCY**
Movant
vs.
Rachel L. Agosto
Debtor(s)
KENNETH E. WEST ESQUIRE,
Trustee

BK NO. 24-10643 AMC
Chapter 13

**CERTIFICATE OF SERVICE
Stipulation**

I, Denise Carlon of KML Law Group, P.C., certify that I am, and at all times hereinafter mentioned was, more than 18 years of age and that on September 19, 2024, I served the above captioned pleading, filed in the proceeding on the parties at the addresses shown below;

Debtor(s)
Rachel L. Agosto
320 Gilham Street
Philadelphia, PA 19111

601 Walnut Street (VIA ECF)
Suite 160 West
Philadelphia, PA 19106

Attorney for Debtor(s)
David M. Offen, Esq.

Trustee
KENNETH E. WEST ESQUIRE
830 Lansdowne Avenue
Drexel Hill, PA 19026

Method of Service: electronic means or first class mail

Dated: September 19, 2024

/s/Denise Carlon Esquire
Denise Carlon Esquire
Attorney I.D. 317226
KML Law Group, P.C.
BNY Mellon Independence Center
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Philadelphia, PA 19106
201-549-2363
dcarlon@kmllawgroup.com